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## North Coast Regional Water Quality Control Board

September 20, 2023

Certified Mail No. 7021 0950 0001 6500 1735

Jose Rodriguez  
PO Box 454  
Ukiah CA 95482-0454

Dear Jose Rodriguez:

**Subject: Notice of Violation, Transmittal of Report for August 22, 2023 Inspection of Mendocino County Assessor's Parcel Number 034-300-15-00, and Recommendation to Respond within 30 days**

**File:** Cannabis Program Inspections, Mendocino County, 2023, Jose Rodriguez, CIWQS Place ID 889808

### **THIS LETTER RECOMMENDS THAT YOU ACT WITHIN 30 DAYS**

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Mendocino County Assessor's Parcel Number 034-300-15-00 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1, Prohibition 2;
2. California Water Code (Water Code) Sections 13260 and 13264;
3. State Water Resources Control Board (State Water Board) Cannabis Cultivation Policy Principals and Guidelines for Cannabis Cultivation (Cannabis Policy).

According to our records, the cannabis cultivation operation located on this Property is not enrolled for coverage under Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order). On August 22, 2023, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation exceeding 8,000 square feet in size. Accordingly, we recommend that you address the

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HECTOR BEDOLLA, CHAIR | VALERIE QUINTO, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)

violations noticed herein. Within 30 days, please contact Staff to discuss your plan to correct the observed violations.

## **Background**

Land Vision records show Jose Luis Rodriguez owns the Property with the last transfer of ownership occurring on May 8, 2019. According to review by Staff on September 15, 2023, of aerial imagery available from Google Earth, cannabis cultivation activities are evident on the property as early as July 9, 2012.

On August 22, 2023, during the execution of a criminal search warrant served by the California Department of Fish and Wildlife (CDFW), Staff, accompanied by personnel from CDFW, the Department of Cannabis Control, the State Water Resources Control Board Division of Water Rights, and various law enforcement agencies, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. During the inspection, Staff observed cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the Cannabis General Order. According to CDFW personnel, the requisite state and local authorizations for commercial cannabis cultivation are not associated with the Property.

Attached is a copy of the water quality inspection report (Attachment B – Property Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

## **Relevant Requirements**

During the inspection, Staff identified features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

## **Observed Violations**

As documented in the report of the August 22, 2023 inspection, Staff observed: violations of the Basin Plan Section 4.2.1 Prohibition 2 at location WQ2 for threatened discharge of organic and earthen material to unnamed tributaries to Mill Creek; Staff observed large-scale cannabis cultivation and associated activities that were being conducted without first obtaining regulatory coverage for associated waste discharges, in violation of Water Code section 13260 in the vicinities of WQ1, WQ2, WQ4 and WQ5; Staff observed violations of the California Water Code section 13264 for unauthorized discharges of cannabis cultivation wastes to land at WQ2, where it threatens to

discharge into a water of the state of California at WQ3; and site conditions at WQ1, WQ2, WQ4 and WQ5 that violate the Cannabis Policy.

### **Legal Requirements**

The State Water Board adopted the Cannabis Policy and the Cannabis General Order on October 17, 2017, and updates on February 5, 2019, which remain in effect today. The purpose of the Cannabis Policy is to ensure that the discharge of waste and diversion of water associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis Policy applies to cannabis cultivation activities throughout California including, Commercial Recreational, Commercial Medical, and Personal Use Medical. The Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by California voters in November 2016).

The Cannabis General Order is the statewide water quality permit that implements the Cannabis Policy through the overarching general Waste Discharge Requirements (WDRs) in accordance with the California Water Code and is available for eligible cannabis cultivators to enroll under. The Cannabis General Order regulates waste discharges from cultivation sites including sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, and refuse. Threats of waste discharge may be from irrigation runoff, over fertilization, pond failure, road construction, grading activities, domestic and cultivation related waste, refuse placement, etc. All commercial cannabis cultivators must obtain coverage under the Cannabis General Order, including for both indoor and outdoor cultivation.

Cultivation activities on the Property requires conformance with the Cannabis Policy and enrollment under the Cannabis General Order. For more information, please visit the [Regional Water Board's website](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/) at:  
([https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/))

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Basin Plan, Cannabis Policy and Water Code warrant further enforcement. We encourage you to take steps to correct the violations as soon as possible, and secure any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Basin Plan, Cannabis Policy and Water Code.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and

threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both, pursuant to Water Code section 13350.

## Inspection Report Recommendations

As mentioned above, the Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this letter**, please advise Staff Brian Fuller of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Brian Fuller by email at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) or by phone at 707-576-2806.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

You may also contact me at [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov) or by phone at 707-576-2835. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Jeremiah Puget  
Senior Environmental Scientist  
Enforcement Unit

Attachments: Attachment A – Regulatory Citations  
Attachment B – Inspection Report

Certified Mail – Return Receipt requested.

**cc: North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Jeremiah Puget, [Jeremiah.Puget@waterboards.ca.gov](mailto:Jeremiah.Puget@waterboards.ca.gov)

**Division of Water Rights**

Zachary Gomer, [Zachary.Gomer@Waterboards.ca.gov](mailto:Zachary.Gomer@Waterboards.ca.gov)

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

**Department of Fish and Wildlife**

Kari Gahan, [Kari.Gahan@wildlife.ca.gov](mailto:Kari.Gahan@wildlife.ca.gov)

Paul Garrison, [Paul.Garrison@Wildlife.ca.gov](mailto:Paul.Garrison@Wildlife.ca.gov)

Warden Grace Nunn, [Grace.Nunn@Wildlife.ca.gov](mailto:Grace.Nunn@Wildlife.ca.gov)

Warden Justin Rhoades, [Justin.Rhoades@wildlife.ca.gov](mailto:Justin.Rhoades@wildlife.ca.gov)

Captain Douglas Willson, [Douglas.Willson@wildlife.ca.gov](mailto:Douglas.Willson@wildlife.ca.gov)

**Mendocino County Sheriff's Office**

Sergeant Clinton Wyant, [WyantC@mendocinocounty.org](mailto:WyantC@mendocinocounty.org)

**Mendocino County**

[cannabisprogram@mendocinocounty.org](mailto:cannabisprogram@mendocinocounty.org)

Sean Crackbon, [CrackbonS@mendocinocounty.org](mailto:CrackbonS@mendocinocounty.org)

**California Environmental Protection Agency**

Hasti Javid, [Hasti.Javid@calepa.ca.gov](mailto:Hasti.Javid@calepa.ca.gov)

**Department of Cannabis Control**

Jaime Masuda, [Jaime.Masuda@cannabis.ca.gov](mailto:Jaime.Masuda@cannabis.ca.gov)

## Attachment A – Regulatory Citations

| Regulatory Section  | Citation   |
|---|--|
| <a href="#">Basin Plan</a><br>Section 4.2.1,<br>Prohibition 2 | <p>Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”</p> <p>Available at: (<a href="https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/">https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/</a>)</p>   |
| California<br>Water Code<br>Section 13260                     | <p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p>(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p>(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p> |
| California<br>Water Code<br>Section<br>13261(a)               | <p>“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”</p>  |

| Regulatory Section                                     | Citation  |
|--|---|
| California Water Code Section 13264(a)                 | “No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: (1) The issuance of waste discharge requirements pursuant to Section 13263. (2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:... (3) The issuance of a waiver pursuant to Section 13269.”       |
| California Water Code Section 13265(a)                 | “Any person discharging waste in violation of Section 13264, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.”  |
| Cannabis Policy and General Order No. WQ 2019-0001-DWQ | <p>State Water Resources Control Board <a href="#">Cannabis Cultivation Policy</a> and <a href="#">General Waste Discharge Requirements Order No. WQ 2019-0001-DWQ for Discharges of Waste Associated with Cannabis Cultivation Activities</a></p> <p>Available at:<br/><a href="https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf">https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf</a> and<br/><a href="https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf">https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf</a></p> |



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## North Coast Regional Water Quality Control Board

TO: Jeremiah Puget

FROM: Brian Fuller

DATE: September 20, 2023

**Report of August 22, 2023 Warrant Inspection,  
Mendocino County  
Assessor's Parcel Number 034-300-15-00 (the "Property")**

File: Cannabis Program Inspections, Mendocino County, 2023, Jose Rodriguez,  
CIWQS Place ID 889808

**Property information:**

Watershed: Eel River Hydrologic Unit; Middle Fork Eel River Hydrologic Area;  
Round Valley Hydrologic Subarea; (HU/HA/HSA 111.72; see Table 2-1 of the Water  
Quality Control Plan for the North Coast Region (Basin Plan), for beneficial uses)

**Regulatory Status with the Regional Water Board:**

There is no record of enrollment under either the historical California Regional Water Quality Control Board, North Coast Region Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region (Regional Cannabis Order), or Order No. WQ 2019-0001-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) for this property.

**Inspection information:**

Date/time: August 22, 2023 / late afternoon

Weather: sunny

Type: Warrant Inspection



Background/Objective:

Objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and groundwater.

**Inspection Map:**

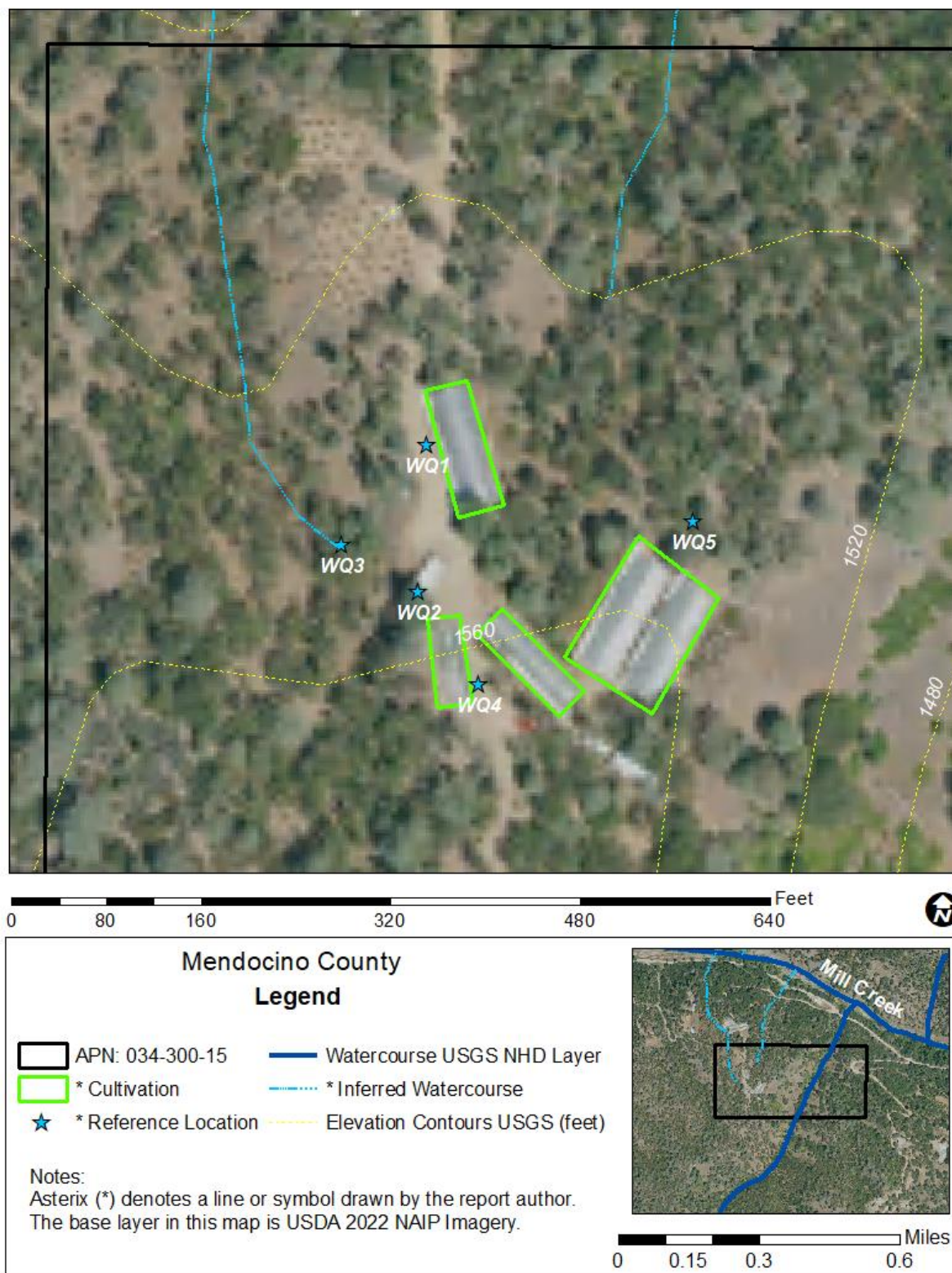


Figure 1—Aerial image/map showing inspection points discussed in this report.

**Inspection Narrative:**

The inspection was associated with a criminal search warrant, and I viewed only portions of the Property. See the above Inspection Map and below Aerial Imagery and Photo Appendix for locations and details about features of concern to water quality.

I entered the Property from the north, and I observed a 2,000 square foot, hoop-type greenhouse at WQ1. The greenhouse contained cannabis plants growing in plastic bags. I walked south and observed a pile of waste cannabis stalks at WQ2. I observed 1,000 square foot, hoop-type greenhouse south of WQ2. Immediately west of WQ2, the topography dips into a swale with relatively uniform slopes. I followed the swale downslope to WQ3 where I observed scour marks and defined channel banks, which suggests that the channel would be capable of transporting sediment during stormwater events downstream from this point.

I walked south to WQ4 where I observed over a dozen bags of imported potting soil leaning against a tree. Immediately east of WQ4 I observed a 1,500 square foot hoop-type greenhouse. East of this greenhouse, I observed two 2,000 square foot, hoop-type greenhouses that were parallel to each other. I walked around the southern side of the greenhouse and north to WQ5 where I observed a pile of uncovered potting soils.

**Recommendations for the Discharger:**

1. Immediately collect all refuse and waste which have discharged and/or threatens to discharge to receiving waters and which can be collected by hand. You are not authorized to use heavy equipment in a water of the state or modify the bed bank or channel of a water of the state without a permit from the Regional Water Board (see recommendation 4 below). Properly dispose of these wastes at a licensed waste collection facility or in another manner that complies with the Cannabis Cultivation Policy<sup>1</sup>.
2. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
3. Prior to cultivating cannabis or developing a property for cannabis cultivation, enroll for coverage under the Cannabis General Order<sup>2</sup>.

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<sup>1</sup> The [Cannabis Cultivation Policy](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf) can be found at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy/final\\_cannabis\\_policy\\_with\\_attach\\_a.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)

<sup>2</sup> [Details about enrolling](https://public2.waterboards.ca.gov/mt/Home/Index) in the Cannabis General Order can be found at:  
<https://public2.waterboards.ca.gov/mt/Home/Index>

4. Prior to conducting work in a Water of the State, submit an application and pay the required application fee for a Water Quality Certification/Waste Discharge Requirement<sup>3</sup>

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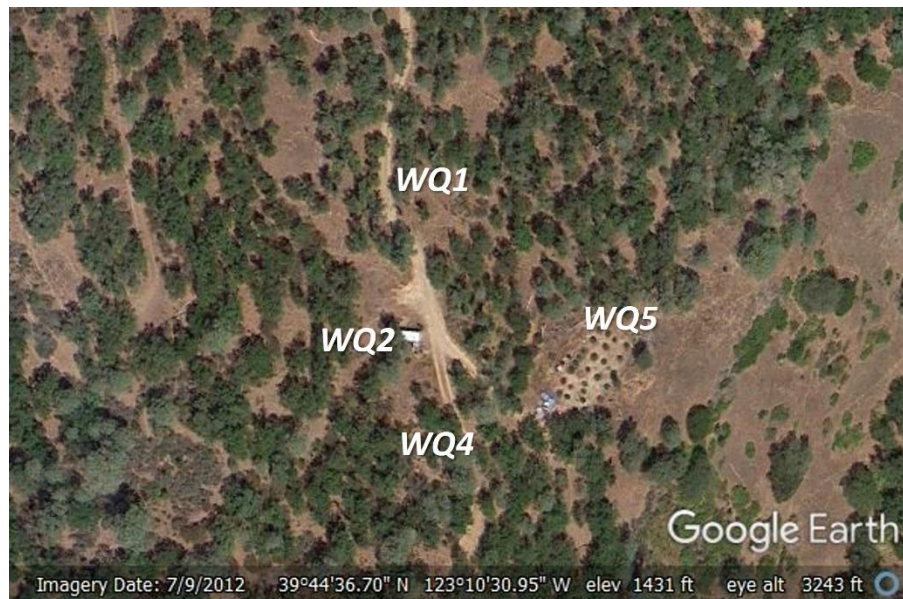
<sup>3</sup> The [application for instream work](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf) can be found at:  
[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)



Aerial Imagery:



*Figure 2—Aerial image of the Property taken on April 24, 2010, obtained from Google Earth. The image shows a road accessing the Property and a cleared area in the vicinity of WQ5.*



*Figure 3—Aerial image of the Property taken on July 9, 2012, obtained from Google Earth. The image shows arrays of plants in the vicinity of WQ5 that are consistent in size, shape and spacing with that of outdoor cannabis cultivation.*



*Figure 4—Aerial image of the Property taken on August 12, 2017, obtained from Google Earth. In addition to outdoor cannabis cultivation at WQ5, the image shows clusters of plants north of WQ1.*



*Figure 5—Aerial image of the Property taken on February 26, 2020, obtained from Google Earth. The image shows the outlines of hoop-type greenhouses in the vicinity of WQ1 and WQ5.*



**Photo Appendix:**



*Figure 6—Photo showing cannabis plants growing in black plastic bags inside a hoop-type greenhouse at WQ1.*



*Figure 7—Photo showing a pile of cannabis cultivation waste including plant stalks and root balls at WQ2.*





*Figure 8—Photo looking north and downstream from WQ3. The topographic form of a swale is evident, and the area is covered by dry grasses. Staff observed scour marks and channel bank forms underlying the dry grasses indicating that the channel historically transported sufficient water to erode and material from the channel bed and carry it downstream.*



*Figure 9—Photo showing a couple dozen bags of imported potting soils leaning against a tree at WQ4.*





*Figure 10—Photo looking east from WQ4 toward WQ5. Three hoop-type greenhouses are visible in the image.*



*Figure 11—Photo looking east at a pile of uncovered potting soils located near an east-dipping hillslope at WQ5. The potting soils are identifiable by white speckles of perlite.*